



Office of the City Clerk, City of Oakland



Citizen Based Ballot Initiative Process

Notice of Intent to Circulate a Petition

Proponents must file an official Notice of Intent to circulate a petition. The Notice of Intent must be accompanied by the written text of the initiative and may include a written statement of 500 words or less, stating the reasons for the proposed petition. The notice must be signed by at least one, but not more than three proponents [CEC §9202 (a)].

Notices of Intent should be in the following form:

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Oakland for the purpose of ***(purpose set forth here)***. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(Set forth text here)

Anyone filing a Notice of Intent, must pay a filing fee of \$500, which will be refunded to the filer if, within one year of the date of filing the Notice of Intent, the City Clerk certifies the sufficiency of the petition [CEC § 9202 (b)].

Title and Summary

Persons filing a copy of the proposed measure must also request that a ballot title and summary be prepared. This request must include the address of the person proposing the measure. Once this request is made, the City Clerk will immediately transmit a copy of the proposed measure to the City Attorney. The City Attorney will prepare a ballot title and summary for the measure within fifteen (15) days after the measure is filed. [CEC §9203 (a)]. The City Clerk will provide the proponent with a copy of the title and summary upon receipt from the city attorney.

Publication and Filing of Publication Affidavit

The proponents shall publish (at least once) the Notice of Intent and the title and summary of the proposed measure in a newspaper “of general circulation” [CEC § 9205(a) 9256].

If there is no adjudicated newspaper of general circulation, the notice and the title and summary must be published at least once, in a newspaper circulated within the county and in three (3) public places which are utilized for posting ordinances. [CEC § 9205(b) 9256].

If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, the notice, title, and summary shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located and the notice, title, and summary shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code.

This section does not require the publication or posting of the text of the proposed measure.

Within ten (10) days after the date of publication or posting, or both, of the Notice of Intent and the title and summary, the proponents shall file a copy of the publication and an affidavit from the newspaper, which certifies the publication with the City Clerk [CEC §9206/CEC §9256].

Circulation of Petitions

Proponents may commence to circulate the petitions among the voters of the city for signatures by any registered voter of the city after publication or posting, or both, as required by Section 9205, of the title and summary prepared by the city attorney. Each section of the petition shall bear a copy of the notice of intention and the title and summary prepared by the city attorney. [CEC §9207]

Proponents have 180 days from receipt of Title and Summary to gather the necessary signatures to qualify the measure's placement on ballot [CEC § 9208]. The signature requirement for **Special Elections** and **Charter Amendments** is 15% of the registered voters of the city according to the last report of registration by the county elections official to the Secretary of State, effective at the time the Notice of Intent was published [CEC § 9255]. The signature requirement for a **Regular Election** and **Proposed Ordinances** is 10% of the registered voters of the city according to the last report of registration by the county elections official to the Secretary of State, effective at the time the Notice of Intent was published [CEC §9215].

Filing of Petitions

The petition shall be filed by the proponents or by a person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Once filed, a petition section shall not be amended except by order of a court of competent jurisdiction [CEC §9210].

Verification of Sufficiency of the Number of Signatures on the Petition

The City Clerk counts signatures (Prima Facie Count) to verify the total number of signatures is sufficient. If the number of signatures is sufficient the petition is deemed filed. Once the Prima Facie Count is complete, if the number is sufficient, the petitions will be deemed filed on that day. The City Clerk will forward the filed petitions to County of Alameda for signature verification.

If insufficient, no further action will occur and the petitions will be returned to proponents.

Verification of the Sufficiency of the Signatures on the Petition

The County shall have 30 days excluding holidays and weekends from the date petitions are accepted as filed to verify the sufficiency of the signatures of the petition. The County notifies the City Clerk of the sufficiency or insufficiency of petition signatures [CEC §9115].

Scheduling of Certification

(City of Oakland action)

The City Clerk schedules certification To Council (1 to 2 weeks after County certification).

Certification of Elections Results or Call for Study Prior to Approval

(City of Oakland action)

Council may certify results and place on ballot *

Council may certify results and request analysis (2 additional weeks)

Council may request preparation of ordinance to adopt proposed ordinance * and **

*Should Council fail to approve measure certified by County and City Clerk the Clerk SHALL place the measure on ballot

**Not applicable to Charter amendments

Withdrawal of Initiative Petition

The proponent of an initiative may withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official [CEC §9215.5].

Required Elections Documents to Alameda County Registrar of Voters and Coordination of Other Required Elections Activities

- Call of Election (City of Oakland action)
 - Legal and Financial Analyses (City of Oakland action)
 - Title and Summary
 - Text of the Measure
 - Establish deadlines for Arguments and Rebuttals (City of Oakland action)
 - Selected Arguments and Rebuttals
 - 10-day public examination
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For more information, please see the Secretary of State website at <http://www.sos.ca.gov/elections/ballot-measures/how-qualify-initiative/>

Be advised, The Elections Division does not serve as legal counsel for proponents and/or interested parties. Proponents are urged to consult with an attorney throughout the initiative process, including technical requirements for the format of initiative petitions. The Elections Division's receipt of an initiative petition is not an indication that the petition meets all legal requirements.